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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,268	11/25/2003	Charlie Liu	MR1035-1343	4793

4586 7590 02/22/2007
ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

KIM, CHONG HWA

ART UNIT	PAPER NUMBER
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2167

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/720,268

Applicant(s)

LIU, CHARLIE

Examiner

Chong H. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 and 3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites the newly included language “linearly extending” in line 3. Such limitation is consider a new matter since the Specification and the Drawings as originally filed fail to disclose that the plurality of guide grooves 24 are “linearly extending”. The word “linearly” is defined as “straight” in Merriam Webster’s Collegiate Dictionary, 10th Edition. The grooves 24 as shown in the drawings do not appear to show the grooves extend in straight lines, but rather in a helical formation. A line around a cylindrical and round surface at an oblique direction cannot produce a “straight line”.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Maruyama, U.S. Patent 4,883,367.

Maruyama clearly shows, in Figs. 1-11, a spindle 2 mounted in an oil bearing inside a mover (inherent) adapted to (or capable of) rotate a follower member adjacent a top side of the mover, the spindle having a plurality of obliquely directed guide grooves 16a, 16b, 6a, 6b formed on a periphery thereof and extending around the periphery of the spindle in longitudinal spaced relationship, the guide grooves being angularly directed with respect to a direction of rotation of the spindle to force lubricating oil released from the oil bearing to be displaced toward a bottom side of the mover (see arrows shown in Fig. 2); wherein respective portions of the plurality of guide grooves are arranged around the periphery of the spindle at different elevations.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Goto et al., U.S. Pub No. 2002/0093261 A1 .

Goto et al clearly shows, in Figs. 4 and 5, a spindle 32 mounted in an oil bearing inside a mover 34 adapted to rotate a follower member 36 adjacent a top side of the mover, the spindle having a plurality of obliquely directed guide grooves G1 formed on a periphery thereof and extending around the periphery of the spindle in longitudinal spaced relationship, the guide grooves being angularly directed with respect to a direction of rotation of the spindle to force lubricating oil released from the oil bearing to be displaced toward a bottom side of the mover (see arrows shown in Fig. 2); wherein respective portions (the upper portion and lower portion of

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the grooves G1) of the plurality of guide grooves are arranged around the periphery of the spindle at different elevations.

Response to Arguments

6. Applicant's arguments with respect to claims 1 and 3 have been considered but are moot in view of the new ground(s) of rejection.

7. In response to the applicant's argument regarding Goto et al. reference, it is the Examiner's view that Goto et al. shows each and every element recited in the claims. Goto et al. shows, whether the grooves are called a "herringbone" configuration or not, the spindle 32 having a plurality of obliquely directed guide grooves G1 formed on a periphery thereof and extending around the periphery of the spindle in longitudinally spaced relationship and the grooves are angularly directed with respect to a direction of rotation of the spindle to force lubricating oil released from the oil bearing to be displaced toward a bottom side of the motor. Depending on the rotational direction of the spindle 32, the upper portion or the lower portion of the grooves G1 would guide the lubricant downward. And furthermore, as discussed above, the recitation regarding "linearly extending" is considered a new matter.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Grooves formed on spindle to force fluid toward bottom.

Tanaka et al., U.S. Patent 4,547,081

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chong H. Kim whose telephone number is (571) 272-7108. The examiner can normally be reached on Monday - Friday; 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

chk
February 15, 2007


CHONG H. KIM
PRIMARY EXAMINER